

Applicant respectfully submits that the pending claims are patentable over Puram alone and in combination with CareerMosaic.

In the independent claims of the present invention, a preference profile is derived for each party based on responses received from the party and/or a party co-evaluator, and a preference profile is derived for each counterparty based on responses received from the counterparty and/or a counterparty co-evaluator. The preference profiles of the various parties and counterparties are then analyzed to find pairs of parties and counterparties whose preferences are closely matched. This analysis is done in a bilateral/multilateral fashion such that the preferences of a party closely match the preferences of a counterparty and the preferences of the counterparty closely match the preferences of the party.

This is quite different from the type of matching taught by Puram. By its very nature, Puram clearly teaches a unilateral analysis, where the skills of the contractor are matched to the needs of the employer without regard to whether the employer is a good match for a particular contractor. This can clearly be seen in the type of normalization performed by Puram as shown in Figures 11a and 11b. Here, the skill level indicated by a contractor for a particular category is normalized to a maximum score provided by the employer, but there is no normalization of employer information to the preferences of the candidate. For example, with regard to METHODOLOGY (skill category 3), CANDIDATE 1 has a skill level of 10, but the employer provided a maximum score of 2. Therefore, CANDIDATE 1 only gets “credit” for a skill level of 2. The unilateral analysis of Puram might suggest that CANDIDATE 1 is a good match for the employer (at least with respect to the METHODOLOGY category) because CANDIDATE 1 obtains the maximum score provided by the employer, and therefore CANDIDATE 1 might be added to a list of matching candidates. However, a bilateral analysis might suggest that the employer is not a good match for CANDIDATE 1, since there is a great distance between the skill level of CANDIDATE 1 and the needs of the employer with respect to the

METHODOLOGY category, particularly if it is determined that METHODOLOGY is an important employer criterion for CANDIDATE 1 (for example, based on responses to questions obtained from CANDIDATE 1 and/or a co-evaluator). Thus, Puram does not teach or otherwise suggest bilateral/multilateral analysis as claimed in the present application, and one can clearly see that such bilateral/multilateral analysis could be used quite effectively to improve upon Puram.

To the extent Puram can be combined with CareerMosaic, it is clear that CareerMosaic does not add any type of bilateral/multilateral element that would anticipate the present invention as claimed.

Thus, applicant respectfully submits that the independent claims are patentable over Puram alone and in combination with CareerMosaic. Because a dependent claim is deemed to include all of the limitations of its base claim and any intervening claim, application respectfully submits that all dependent claims are also patentable of Puram alone and in combination with CareerMosaic.

4. The Examiner objected to claim 17.

Therefore, claim 17 has been amended as recommended by the Examiner to overcome the Examiner's objection.

5. The Examiner objected to the specification for including a hyperlink on page 14, line 20.

Therefore, the specification has been amended to remove the hyperlink.

6. The Examiner objected to Tables 4-6.

Therefore, Tables 4-6 have been deleted and replaced with Figs. 9-11. The specification has been amended accordingly, specifically by adding a brief description of the new drawings and replacing any references to Tables 4-6 with references to Figs. 9-11.

7. The Examiner objected to the abstract of the disclosure because the length is improper.

Therefore, the abstract has been amended.

8. The Examiner indicated that the declaration submitted for Eileen Shapiro is defective.

A newly executed declaration is submitted herewith.

9. Claims 1-17, 19, 20, 22, 23, and 25-29 are pending in this application. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

Respectfully submitted,



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## **Marked Up Version of Replacement Section for Section Entitled Brief Description of the Drawings**

### Brief Description of the Drawings

The foregoing features of the invention will be more readily understood by reference to the following detailed description, taken with reference to the accompanying drawings, in which:

Fig. 1 shows a block diagram of an embodiment of a method in accordance with the present invention for facilitating bilateral and multilateral decision-making;

Fig. 2 shows a block diagram of a further embodiment of a method in accordance with the present invention in which conjoint analysis is employed;

Fig. 3 shows a block diagram of an embodiment of a system in accordance with the present invention;

Figs. 4 and 5 illustrate the logical flow of a method according to an embodiment of the invention, that may be implemented using a web server on the Internet;

Figs. 6 and 7 are histogram representations of a preference profile of a party who is a job applicant and of a counterparty employer in accordance with an embodiment of the invention; [and]

Fig. 8 presents a side-by-side comparison of the preference profiles of Figs. 6 and 7; and

Figs. 9, 10, and 11 are screenshots demonstrating hierarchically structured questions organized into three stages in accordance with an embodiment of the invention.

**Marked up replacement paragraph for paragraph beginning on page 13, line 22**

By contrast with conventional methods, embodiments of the present invention enable a bilateral evaluation of preferences: a decision is recommended based on its providing a relatively close fit between the preferences of each potential pairing of party and counterparty to a potential transaction, when compared with other possible pairs of parties to the potential transaction. Indeed, embodiments of the present invention may likewise [by] be employed when information about preferences is provided not just by two parties to the transaction (a party and a counterparty), but also by at least one co-evaluator, who provides a useful perspective on the preferences of a party or a counterparty. In this case, the evaluation is multilateral rather than bilateral.

**Marked up replacement paragraph for paragraph beginning on page 14, line 12**

In this connection embodiments of the invention may employ conjoint analysis. See for example, Cattin, P. and R.R. Wittink, "Commercial Use of Conjoint Analysis: A Survey", 45 *Journal of Marketing* 44-53 (No. 3, Summer, 1982), and "Commercial Use of Conjoint Analysis: An Update", 53 *Journal of Marketing* 91-96 (July, 1982); Green, P.E. and Y. Wind, "New Way to Measure Consumers' Judgments," *Harvard Business Review*, July 1975 ("Green and Wind"); see also the references identified in the extensive bibliography of Patrick Bohl: *Conjoint Literature Database CLD*, University of Mainz, Germany, 1997 [~~<http://www.uni-mainz.de/~bohl/clld.html>~~]. The foregoing articles and references are hereby incorporated herein by reference.

**Marked up replacement paragraph for paragraph beginning at Page 22, Line 26**

In one particular embodiment, the questions are organized into three stages. In the first stage, the respondent ranks the levels of each attribute, in descending order of preference. For example, "1" could signify the most preferred level, and "3" the least preferred level, for three possible levels of an attribute. In the second stage, the respondent is asked to rate his or her degree of preference for the most preferred level of each attribute, over its least preferred level; for example, the degrees of preference could be "1, slightly preferred"; "2, moderately preferred"; "3, greatly preferred"; "4, I must have - the least preferred level would be upsetting." Finally, in the third stage, a series of two-option choices is given to the respondent, forcing the respondent to express the degree to which he or she would prefer one of two multi-attribute combinations. For example, the respondent could be presented with option A and option B, each having different levels of two attributes, and asked to rank them on a scale of 1 to 9 (1 meaning "strongly prefer option A", 5 meaning "the two are equal," and 9 meaning "strongly prefer option B"). Examples of questions from each of these three stages are shown in [Tables 4 through 6] Figs. 9 through 11.



## Marked Up Version of Replacement Section for Section Entitled Abstract

### Abstract

[A method for facilitating evaluation, in connection with the procurement or delivery of products or services, in at least one of (i) a potential financial transaction and (ii) operation of an enterprise, each context involving a member of a first class of parties in a first role and a member of a second class of counterparties in a second role. The method of one embodiment includes:

- a. obtaining from each of the parties in the first class and storing in a first digital storage medium responses to a first set of questions eliciting revelation of preferences that can be used to estimate the closeness of such party's fit with a counterparty in such context;
- b. obtaining from each of the counterparties in the second class and storing in a second digital storage medium responses to a second set of questions eliciting revelation of preferences that can be used to estimate the closeness of such counterparty's fit with a party in such context;
- c. deriving, in a first computer process, from the responses of each such party a first preference profile for each such party;
- d. deriving, in a second computer process, from the responses of each such counterparty a second preference profile for each such counterparty;
- e. for each party, analyzing, in a third computer process, the preference profile of such party in relation to the preference profiles of the counterparties to

derive a first list of counterparties providing a relatively close fit of such party's preferences with those of counterparties on the list and communicating the list to such party.

Systems are also disclosed. Embodiments may be implemented over global communication networks]

Techniques for evaluating the closeness of fit between various parties and counterparties utilizing bilateral and multilateral decision-making are disclosed. For each party, questions intended to reveal the preferences of the party are presented to the party and/or a co-evaluator for the party, and a preference profile is derived for the party based upon the responses to the questions. For each counterparty, questions intended to reveal the preferences of the counterparty are presented to the counterparty and/or a co-evaluator for the counterparty, and a preference profile is derived for the counterparty. The preference profiles of the parties and counterparties are analyzed to determine, for each potential pairing of party and counterparty, those providing a relatively close fit.

## Marked up version of amended claims

1. (Amended) A method for facilitating evaluation, in connection with the procurement or delivery of products or services, in at least one of (i) a potential financial transaction and (ii) operation of an enterprise, each context involving a member of a first class of parties in a first role and a member of a second class of counterparties in a second role, **[and,]** the method comprising:

a. obtaining **[from]** for each of the parties in the first class and storing in a first digital storage medium responses from at least one of the party and a party co-evaluator to a first set of questions **[eliciting revelation of]** intended to reveal party preferences that can be used to estimate the closeness of such party's fit with a counterparty in such context;

b. obtaining **[from]** for each of the counterparties in the second class and storing in a second digital storage medium responses from at least one of the counterparty and a counterparty co-evaluator to a second set of questions **[eliciting revelation of]** intended to reveal counterparty preferences that can be used to estimate the closeness of such counterparty's fit with a party in such context;

c. deriving, in a first computer process, from the responses **[of]** to the first set of questions for each such party, a first preference profile for each such party;

d. deriving, in a second computer process, from the responses [of] to the second set of questions for each such counterparty, a second preference profile for each such counterparty;

e. for each party, analyzing, in a third computer process, the preference profile of such party in relation to the preference profiles of the counterparties to derive a first list of counterparties providing a relatively close fit [of such party's preferences with those of counterparties on the list] between the preferences of each potential pairing of party and counterparty and communicating the first list to such party.

2. (Amended) A method according to claim 1, further comprising; for each counterparty, analyzing, in a fourth [digital] computer process, the preference profile of such counterparty in relation to the preference profiles of the parties to derive a second list of parties providing a relatively close fit [of such counterparty's preferences with those of parties on the list] between the preferences of each potential pairing of party and counterparty and communicating the second list to such counterparty.

3. (Amended) A method according to claim 1, wherein the first list is ranked according to the closeness of fit.

4. (Amended) A method according to claim 2, wherein the second list is ranked according to the closeness of fit.

5. (Amended) A method according to claim 1, wherein obtaining responses from each of the parties is accomplished using communication over a **[global]** communication network.
6. (Amended) A method according to claim 1, wherein obtaining responses from each of the counterparties is accomplished using communication over a **[global]** communication network.
17. (Amended) A method according to claim 16, wherein the preference profile of each counterparty associates, with each level of each of a second series of attributes that complements the first series of attributes, a utility value to indicate the value which the **[party] counterparty** places on each level of the attribute.
19. (Amended) A method according to claim **[18] 1**, wherein each party co-evaluator is one of: (i) **an associate of** the party, (ii) a member of a group to which the party belongs, wherein the group is relevant to such context, (iii) a parent or guardian of the party, (iv) an advisor to the party, (iv) a relative of the party, and (v) a friend of the party.
20. (Amended) A method according to claim **[18] 1**, wherein each counterparty co-evaluator is one of: (i) **an associate of** the counterparty, (ii) a member of a group to which the counterparty belongs, wherein the group is relevant to such context, (iii) a parent or guardian of the counterparty, (iv) an advisor to the counterparty, (iv) a relative of the counterparty, and (v) a friend of the counterparty.

22. (Amended) An apparatus for facilitating evaluation, in connection with the procurement or delivery of products or services, in at least one of (i) a potential financial transaction and (ii) operation of an enterprise, each context involving a member of a first class of parties in a first role and a member of a second class of counterparties in a second role, the apparatus comprising:

a. a first computer process, in communication with a first digital storage medium, for obtaining **[from] for** each of the parties in the first class and storing in the first digital storage medium responses **from at least one of the party and a party co-evaluator** to a first set of questions **[eliciting revelation of] intended to reveal party** preferences that can be used to estimate the closeness of such party's fit with a counterparty in such context;

b. a second computer process, in communication with a second digital storage medium, for obtaining **[from] for** each of the counterparties in the second class and storing in the second digital storage medium responses **from at least one of the counterparty and a counterparty co-evaluator** to a second set of questions **[eliciting revelation of] intended to reveal counterparty** preferences that can be used to estimate the closeness of such counterparty's fit with a party such context;

c. a third computer process for deriving from the responses **[of] to the first set of questions for** each such party a first preference profile for each such party;

d. a fourth computer process for deriving from the responses **[of] to the second set of questions for** each such counterparty a second preference profile for each such counterparty; and

e. a fifth computer process for analyzing the preference profile of each party in relation to the preference profiles of the counterparties to derive a list of counterparties providing a relatively close fit **[of such party's preferences with those of counterparties on the list] between the preferences of each potential pairing of party and counterparty**, and communicating the list to such party.

23. (Amended) An apparatus for facilitating evaluation, in connection with the procurement or delivery of products or services in at least one of (i) a potential financial transaction and (ii) operation of an enterprise, each context involving a member of a first class of parties in a first role and a member of a second class of counterparties in a second role, the apparatus comprising:

a. a first question and response module, in communication with a first digital storage medium, for obtaining **[from] for** each of the parties in the first class and storing in the first digital storage medium responses **from at least one of the party and a party co-evaluator** to a first set of questions **[eliciting revelation of] intended to reveal party** preferences that can be used to estimate the closeness of such party's fit with a counterparty in such context;

b. a second question and response module, in communication with a second digital storage medium, for obtaining **[from] for** each of the counterparties in the second class and storing in the second digital storage

medium responses from at least one of the counterparty and a counterparty co-evaluator to a second set of questions [eliciting revelation of] intended to reveal counterparty preferences that can be used to estimate the closeness of such counterparty's fit with a party in such context;

c. a first profile processor for deriving from the responses [of] to the first set of questions for each such party a first preference profile for each such party;

d. a second profile processor for deriving from the responses [of] to the second set of questions for each such counterparty a second preference profile for each such counterparty; and

e. a closeness-of-fit analyzer for analyzing the preference profile of each party in relation to the preference profiles of the counterparties to derive a list of counterparties providing a relatively close fit [of such party's preferences with those of counterparties on the list] between the preferences of each potential pairing of party and counterparty, and communicating the list to such party.

25. (Amended) A method of structuring a database to facilitate evaluation, in connection with the procurement or delivery of products or services, in at least one of (i) a potential financial transaction and (ii) operation of an enterprise, [in] each context involving a member of a first class of parties in a first role and a member of a second class of counterparties in a second role, the method comprising:



- a. obtaining **[from] for** each of the parties in the first class and storing in a first data record in a first digital storage medium responses **from at least one of the party and a party co-evaluator** to a first set of questions **[eliciting revelation of] intended to reveal party** preferences that can be used to estimate the closeness of such party's fit with a counterparty in such context;
- b. obtaining **[from] for** each of the counterparties in the second class and storing in a second data record in a second digital storage medium responses **from at least one of the counterparty and a counterparty co-evaluator** to a second set of questions **[eliciting revelation of] intended to reveal counterparty** preferences that can be used to estimate the closeness of such counterparty's fit with a party in such context;
- c. deriving, in a first computer process, from the responses **[of] to the first set of questions for** each such party a first preference profile for each such party, and storing the first preference profile in a third data record in a third digital storage medium;
- d. deriving, in a second computer process, from the responses **[of] to the second set of questions for** each such counterparty a second preference profile for each such counterparty, and storing the second preference profile in a fourth data record in a fourth digital storage medium;
- e. for each party, analyzing, in a third computer process, the preference profile of such party in relation to the preference profiles of the counterparties to derive a first list of counterparties providing a relatively close

fit [of such party's preferences with those of counterparties on the list]  
between the preferences of each potential pairing of party and counterparty  
and storing the first list in a fifth data record in a fifth digital storage medium.

29. (Amended) An apparatus for structuring a database, in connection with the procurement or delivery of products or services, in at least one of (i) a potential financial transaction and (ii) operation of an enterprise, each context involving a member of a first class of parties in a first role and a member of a second class of counterparties in a second role, the apparatus comprising:

a. a first question and response module, in communication with a first digital storage medium, for obtaining **[from] for** each of the parties in the first class and storing in a first data record in the first digital storage medium responses from at least one of the party and a party co-evaluator to a first set of questions **[eliciting revelation of] intended to reveal party** preferences that can be used to estimate the closeness of such party's fit with a counterparty in such context;

b. a second question and response module, in communication with a second digital storage medium, for obtaining **[from] for** each of the counterparties in the second class and storing in a second data record in the second digital storage medium responses from at least one of the counterparty and a counterparty co-evaluator to a second set of questions **[eliciting revelation of] intended to reveal counterparty** preferences that can be used to estimate the closeness of such counterparty's fit with a party in such context;

c. a first profile processor for deriving from the responses **[of] to the first set of questions for** each such party a first preference profile for each such party, and storing the first preference profile in a third data record in a third digital storage medium;

d. a second profile processor for deriving from the responses **[of] to the second set of questions for** each such counterparty a second preference profile for each such counterparty, and storing the second preference profile in a fourth data record in a fourth digital storage medium; and

e. a closeness-of-fit analyzer for analyzing the preference profile of each party in relation to the preference profiles of the counterparties to derive a list of counterparties providing a relatively close fit **[of such party's preferences with those of counterparties on the list] between the preferences of each potential pairing of party and counterparty**, and storing the list in a fifth data record in a fifth digital storage medium.